

REMARKS

Upon entry of this amendment, claims 38-52 are pending. Claims 45 and 49 stand rejected under 35 U.S.C. §112, paragraph 2, as allegedly indefinite. Claims 45 and 49 have been amended in response to this rejection. Claims 38, 42-44 and 46-52 stand rejected under 35 U.S.C. §102(b), as allegedly anticipated by U.S. Patent No. 5,043,903 to *Constant*. Claims 38, 42-44, 46 and 48 stand rejected under 35 U.S.C. §102(b), as allegedly anticipated by the cited document entitled "Using GPS for Airborne Formation Control" by *Goodwin et al.* Claims 39-41 stand rejected under 35 U.S.C. §103(a), as allegedly obvious in light of *Constant* and either U.S. Patent No. 5,570,095 to *Drouilhet, Jr. et al.*, or the cited document entitled "ADS-Mode S System Overview" by *Boisvert et al.*

Applicant respectfully submits that the claims as amended traverse the Examiner's rejections. No new matter is submitted.

Rejection Under §112

Applicant respectfully submits that each claim as amended is definite.

Rejection Under §102

Neither *Constant*, *Goodwin et al.*, nor any of the other art of record teaches expressly or by implication all of the limitations of independent claim 38. At least the following limitations as found in independent claim 38 are not disclosed by the cited art:

means for generating a steering command to maintain separation between the first aircraft and the second aircraft in accordance with relative aircraft position of the first and second aircraft.

Constant teaches away from the claimed limitations. In contrast, *Constant* teaches the generation of commands on a lead helicopter that are sent to slave aircraft to calculate piloting orders, as described by *Constant* at col. 1, lines 58-65:

Using this checked relative position information, the apparatus of the leader helicopter then generates "commands" dictating a commanded position, heading, speed, and altitude of each slave helicopter. When these "commands" are received by the slaves, the **slaves calculate** "piloting orders". These piloting orders are the

actual headings and speeds required of each slave to achieve its commanded position, heading, and speed. (emphasis added).

Applicants respectfully submit that *Goodwin et al.* similarly fails to disclose the claimed limitations cited above from independent claim 38.

Rejection Under §103

Applicant respectfully submits that because independent claim 38 is in condition for allowance, all of its dependent claims, including the rejected claims under 35 U.S.C §103 are also in condition for allowance.

Conclusion


Reconsideration is respectfully requested. Applicants believe the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Date:

July 24, 2003


A.J. Moss
Reg. No. 38,567

SQUIRE, SANDERS & DEMPSEY L.L.P.
Two Renaissance Square
40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004-4498
(602) 528-4839
244381